

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-CR-155

JESSE VANDENWILDENBERG,

Defendant.

ORDER DELAYING REPORTING DATE

On January 4, 2008, the defendant was sentenced by this court and ordered to surrender for service of sentence as directed by the U.S. Probation Office. The defendant was notified by the U.S. Probation office that he was to surrender to the Bureau of Prisons on February 25, 2008.

The defendant has filed a motion requesting a delayed reporting date to allow the Government ample time to file any necessary motions including but not limited to an anticipated Rule 35 motion. The court granted a similar request by one co-defendant Daniel Vandenwildenberg, Jesse's brother, by postponing his sentencing until March. Although the government does not object, it questions whether the court has the authority to delay the defendant's reporting date, having already imposed the sentence.

The court concludes that it retains such authority, given the fact that the defendant has not begun serving his sentence. Inherent in the authority to allow a defendant the opportunity to voluntarily surrender to begin serving his or her sentence is the authority to delay the date on which the sentence may commence for good cause and within reasonable limits. I find that good cause has

been shown to delay the defendant's reporting date and the prospect of a Rule 35 motion in the relatively near future will not unduly delay his sentence.

Accordingly, the court hereby **GRANTS** the motion to delay the defendant's report date. The Bureau of Prisons shall set a new date for defendant to report to begin serving his sentence on or after April 7, 2008.

Dated this 22nd day of February, 2008.

s/William C. Griesbach
William C. Griesbach
United States District Judge